

MINUTES
BOARD OF EXAMINERS
BAIL ENFORCEMENT AGENTS
MEETING
TUESDAY
NOVEMBER 15, 2016
10:00 A.M.
150 MARTIN L. KING, JR. BOULEVARD, SOUTH
TATNALL BUILDING
ROOM 112
DOVER, DE

I. Call To Order

Major Zebley called the meeting to order at 1009 hours and subsequently turned the meeting over to Ms. Anderson. The meeting is being recorded and will be maintained by the Professional Licensing Section. Board introductions were done for the newest member – Mr. Brandon Habron.

The following members of the Board of Examiners were in attendance:

Major Melissa A. Zebley
Director John Yeomans
Ms. Robin David
Mr. Michael J. Dellose
Mr. Jack McGhee, II
Mr. Brandon Habron
Mr. R. Dale Hamilton
Mr. Harry O. Jennings

The following member of the Board of Examiners was in attendance – non-voting:

Deputy Principal Assistant Robert Kracyla

The following members of the Board of Examiners were absent:

Rebecca L. Byrd, Esquire

The following staff members were in attendance:

Victoria W. Counihan, Esquire
Lieutenant Kerry B. Reinbold
Sergeant Matthew M. Zolper
Ms. Peggy L. Anderson
Mr. Michael Terranova – DTCC Representative

The following staff members were absent:

Captain S. Benjamin Parsons

The following guests were in attendance:

Mr. Kevin Hamilton

Mr. Jordanuwel Howard @ 1010

Mr. George Marcus-Stevenson El @ 1019

II. Review and Acceptance of Minutes

A. August 25, 2016

Mr. Jordanuwel Howard entered the meeting at this time.

Major Zebley, with a second by Mr. Hamilton, made a motion to approve the minutes from 08/25/16. The motion was carried.

III. Hearings, Appeals & Actions (Exhibit A)

A. Jordanuwel E. R. Howard

Ms. Anderson informed the Board that Mr. Howard was previously placed on emergency suspension for a felony arrest. Since that time he was found guilty of a lesser included offense. Mr. Howard was administratively reinstated, however he may not carry/use a weapon while on probation – ordered by court for six months.

This is for informational purposes only. No vote necessary.

IV. Training/Education

A. 2016 Continuing Education

1. Classroom

Mr. George Marcus-Stevenson El entered the meeting at this time.

Ms. Anderson informed the Board that at the last continuing education class seven had registered but only five showed up and passed the test. Nineteen failed to take the CE in 2016 and that 17 had been sent certified/regular mail/e-mail notification of the emergency suspension. The two that did not show at the beginning of the class did come late, but were told that DTCC has a policy that if you are later than ½ hour after the start of the class, it is a missed class.

The individuals were Jordanuwel E. R. Howard and Teddy Torres. Mr. Howard stated that he had worked two security jobs and had called in to DTCC – this was confirmed. Mr. Torres had stopped by to see Ms. Cathy Rash later in the day and he had called her and myself. He also sent an e-mail stating that his mother was in the hospital and while there his daughter was brought in with a heart attack. Both individuals had paid for the class.

Mr. Howard was given a chance to speak about his missed training. He explained about his second jobs as a security guard and being a BEA. He has agreed to the recommendation for the make-up class.

After discussion, Mr. Hamilton, with a second by Mr. Habron, made a motion to allow Mr. Howard & Mr. Torres to work until the 2016 make-up session is held in early 2017, but if they fail to take the continuing education then further action will be taken. The motion was carried.

B. 2017 Continuing Education
1. On-Line

Ms. Anderson turned this section over to Mr. Terranova for his input. Mr. Terranova in turn gave the floor to Mr. Kracyla to speak about the use of force, alternative use of force, and what else is out there to use along with the ballistic vests.

Mr. Terranova spoke of the various topics that would be included in this four hour block of on-line instruction. The Law and Rules & Regulations are a must at each continuing education. Rule 8.0 Apprehensions will have some extra emphasis placed on it with the possibility of its own module.

The use of force will be reviewed by Pat Wenk, the Attorney for the DSP Academy along with Captain Moriarty.

Since the continuing education for BEA's is usually done after June 30th, to allow for state and federal laws to be amended, the full agenda will be presented to the Board at the February 2017 meeting.

Ms. Anderson informed the Board that the second Initial Classroom Training that was scheduled per a request to have at least 30 individuals attend, was held on 11/02/16 with only 13 registering, showing up and passing the test.

V. Instructors
A. Issues

1. Robert D. Eller, Jr.

Ms. Anderson asked the Board to review the handout for Mr. Eller as she explained that the Board of Examiners of Constables and the Board of Examiners of Private Investigators & Private Security Agencies have both denied Mr. Eller's request to be an approved firearms instructor. This information is being brought before all three Boards as the new Firearms Policy Rule will not go into effect until 12/11/16. The Professional Licensing Section was not comfortable giving Mr. Eller the approval.

After discussion, Mr. Habron, with a second by Mr. Dellose, made a motion to deny Mr. Eller's request to become an approved firearms instructor. The motion was carried.

VI. Old Business

A. Professional Licensing

1. Rule 4.0 Firearms Policy

Ms. Anderson informed the Board that Rule 4.0 is due for final publication. There were no comments received during the open comment period.

Mr. Hamilton, with a second by Ms. David, made a motion to approve Rule 4.0 as presented for Final Publication. The motion was carried.

B. Board Members

The Board members did not have any old business at this time.

C. Major

Major Zebley did not have any old business at this time.

VII. New Business

A. Rule 2.0 – Badges, Patches, Advertisements

There was discussion/concerns regarding the use of Fugitive Recovery Agent on the garments being used by the BEA's. Ms. Anderson is to research what has previously been approved by the Board. The Rule 2.0 is to be reviewed for wording amendments.

Mr. Kracyla spoke in reference to the discussions that he has had during the continuing education and Mr. McGhee spoke regarding the discussions during the initial classroom training, both regarding the ballistic vests.

1. Harry J. Clark, Jr.

Major Zebley, with a second by Mr. McGhee, made a motion to approve the shirt for Mr. Clark as presented. The motion was carried.

2. Heriberto Gonzalez

Ms. David, with a second by Mr. Habron, made a motion to approve the vest for Mr. Gonzalez as presented. The motion was carried.

3. Lorin S. Jones

Ms. David, with a second by Major Zebley, made a motion to deny the vest for Mr. Jones as presented, due to the use of "Fugitive Recovery Agent". The motion was carried.

4. Anthony Scalia

Mr. Hamilton, with a second by Ms. David, made a motion to deny the jacket for Mr. Scalia as presented, due to the use of “Fugitive Recovery Agent. The motion was carried.

Major Zebley, with a second by Mr. McGhee, made a motion to approve the vest for Mr. Scalia as presented. The motion was carried.

This is for informational purposes only.

B. Professional Licensing

1. Rule 9.0 Electronic Control Device (ECD)

Ms. Anderson explained that in the ever-changing world of technology, the name for this weapon has been changed from CEW to ECD which requires the rule to be amended.

Major Zebley, with a second by Mr. Jennings, made a motion to approve the wording amendment to Rule 9.0 as presented. The motion was carried.

Lt. Reinbold explained to the Board that there have been several complaints made to the Professional Licensing Section regarding Social Media and the BEA industry. We cannot control what is put out there by photo or wording. However, if there is an incident that has happened we refer the individual or the incident information to the agency in the jurisdiction that the event occurred in. Our office does stay in contact with that agency throughout the complaint.

C. Board Members

The Board members did not have any new business at this time.

D. Major

She also thanked everyone for coming out and wished them a safe and happy Holiday.

VIII. Public Comment (At the discretion of the Chairperson)

The public not wish to speak at this time.

IX. Adjournment

A. Schedule Next Meeting

1. Thursday, February 23, 2017 @ 10:00am

Mr. McGhee, with a second by Major Zebley, made a motion to adjourn the meeting. The motion was carried. The meeting adjourned at 1104 hours.